**HIGH COURT OF CHHATTISGARH AT BILASPUR**

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**Single Bench : Hon'ble Shri Dilip Raosaheb Deshmukh, J.**

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**Miscellaneous Appeal No.71 of 2003**

**Applicants Claimants**

1. Hiralal, S/o Ramkishun Viswakarma, aged about 35 yrs.,
2. Sakun Bai, W/o Hiralal Visakarma, aged about 30 yrs.,

Both are R/o Vill. : Asauda, Post : Ganiyari, P.S. Kharora, District Raipur (CG)

versus

**Respondents Non-Applicants**

1. Madhukar Viswanath, S/o Viswanath Banjari, R/o House No.176, Shivaji Nagar, P.S. Jalana Sadar Bazar, Dist : Jalana (M.S.)
2. Anuj Sriniwas, S/o Sriniwas, R/o Indebari, P.S. & Dist : Jalana (M.S.)
3. The United Insurance Co. Ltd., Through : Divisional Manager, Divisional Office, Kutchheri Chouk, Jail Road, Raipur (CG)

Miscellaneous Appeal under Section 173 of the Motor Vehicles Act, 1988

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Present : Shri S.C.Verma, counsel for the appellants.
Shri Ali Asgar, counsel for respondent No.3.
None appears for other respondents.

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**ORAL ORDER**

**(Passed on 3rd August, 2007)**

Heard.

(2) Being aggrieved by the impugned award dated 07-11-2002 passed by the VIth Additional Motor Accidents Claims Tribunal, Raipur (henceforth 'the M.A.C.T.') in Claim Case No.38/2002, whereby a sum of Rs.60,000/- has been awarded towards compensation, the

16

appellants/claimants have preferred this appeal for enhancement of the compensation.

(3) During the course of arguments, a settlement was arrived at whereunder the insurance company agreed to pay a sum of Rs.40,000/- in addition to the compensation already awarded by the M.A.C.T. by depositing the same within a period of two months from today.

(4) Shri S.C.Verma, learned counsel for the appellants/claimants agrees to the settlement.

(5) In view of the settlement arrived at, the award passed by the M.A.C.T. is modified and an additional sum of Rs.40,000/- over and above the sum already awarded by the M.A.C.T. is awarded as compensation to the appellants/claimants. The respondent No.3/insurance company shall deposit a sum of Rs.40,000/- with the M.A.C.T. within a period of two months from today, failing which, it shall also be liable to pay interest at the rate of 8% per annum from the date of application till realisation.

(6) With the aforesaid direction, the miscellaneous appeal stands disposed of. A copy of this order be sent to the M.A.C.T. forthwith.

Sd/-
Dilip Raosaheb
Deshmukh
Judge

Gopal